

AMENDED IN ASSEMBLY MAY 24, 2013

AMENDED IN ASSEMBLY MAY 7, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1171**

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**Introduced by Assembly Member Levine**

February 22, 2013

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An act to add and repeal Section 16521.6 of the Welfare and Institutions Code, relating to child welfare services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1171, as amended, Levine. Child welfare services: electronic records.

Existing law requires a foster care provider, in consultation with the county case manager, to be responsible for ensuring that a foster youth or nonminor dependent is provided with appropriate referrals to health services when the foster youth either reaches 18 years of age or the nonminor dependent exits foster care, and to the extent county and state resources are provided.

This bill would require, no later than July 1, 2014, that the State Department of Social Services implement and oversee a voluntary 3-county pilot program to provide a foster youth, 16 years of age or older, upon his or her request, or upon his or her emancipation from dependency or probation, with access to an online electronic recordkeeping repository of necessary documents, including, but not limited to, medical ~~and~~ or health records, a copy of his or her certified birth certificate, and a copy of his or her social security card, to assist him or her in the transition to adulthood. *The bill would authorize the department, in order to reduce costs, to use existing online electronic*

*recordkeeping repositories for purposes of the pilot program.* The bill would require ~~the~~ an online electronic recordkeeping repository to allow the youth to view, download, upload, and transmit those documents to assist the youth or nonminor dependent in maintaining those documents. The bill would require a social worker or other representative of the county welfare department, or a probation officer or other representative of the probation department, as appropriate, or another authorized representative as designated by the county or the court to assist the child or nonminor dependent with establishing and obtaining electronic copies of those documents.

This bill would require the department, in coordination with the 3 participating counties, to submit a report to the Assembly and Senate Human Services Committees no later than December 1, ~~2017,~~ 2016, evaluating the pilot program and providing recommendations as to whether it should be extended, expanded, or made permanent. ~~These~~

*The bill's provisions would be implemented only if the Director of Finance makes a written determination that there are sufficient funds available from sources other than the General Fund for this purpose. The bill's provisions would become inoperative on January 1, 2018, and would be repealed as of January 1, 2019.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 16521.6 is added to the Welfare and
- 2 Institutions Code, to read:
- 3 16521.6. (a) No later than July 1, 2014, the department shall
- 4 implement and oversee a voluntary three-county pilot program for
- 5 a period of three years to provide a foster youth, who is 16 years
- 6 of age or older, upon his or her request, or upon the foster youth's
- 7 emancipation from dependency or probation, with access to a
- 8 ~~singular~~ an online electronic recordkeeping repository of necessary
- 9 documents for purposes of assisting the foster youth in maintaining
- 10 and having access to those documents and to assist in the youth's
- 11 transition to adulthood. *In order to reduce costs, the department*
- 12 *may use existing online electronic recordkeeping repositories for*
- 13 *purposes of the pilot program.*
- 14 (b) ~~The~~ An online electronic recordkeeping repository shall
- 15 allow the foster youth to view, download, upload, and transmit,

1 as appropriate, necessary documents to assist the youth or nonminor  
2 dependent in maintaining the documents.

3 (c) A social worker or other representative of the county welfare  
4 department, or a probation officer or other representative of the  
5 probation department, as appropriate, or another authorized  
6 representative as designated by the county or the court shall assist  
7 the child or nonminor dependent with establishing and obtaining  
8 electronic copies of his or her records for the purposes of this pilot  
9 program.

10 (d) Documents included in—~~the~~ *an* online electronic  
11 recordkeeping repository shall include, but are not limited to, all  
12 of the following:

13 (1) Medical or health records, including up-to-date health  
14 records that include, but are not limited to, diagnoses, allergies,  
15 test results, immunizations, and medications as permitted by the  
16 Health Insurance Portability and Accountability Act of 1996  
17 (Public Law 104-191).

18 (2) Copy of his or her certified birth certificate.

19 (3) Copy of his or her social security card.

20 (4) Letter proving the child or nonminor dependent was a ward  
21 or dependent of the court.

22 (5) Special immigrant juvenile status, if applicable.

23 (6) Educational records, as permitted by state pupil privacy laws  
24 and the federal Family Educational Rights and Privacy Act of 1974  
25 (20 U.S.C. Sec. 1232g), which shall include a copy of his or her  
26 official high school transcript and high school diploma or high  
27 school equivalency certificate, if applicable.

28 (7) Copy of his or her driver's license, as described in Section  
29 12500 of the Vehicle Code, or identification card, as described in  
30 Section 13000 of the Vehicle Code.

31 (8) Background and contact information of siblings and other  
32 family members, as appropriate, and as permitted by court order  
33 pursuant to federal and state law.

34 (9) Application to seal juvenile court records.

35 (10) Copy of his or her transitional independent living case plan,  
36 if applicable.

37 (11) Any additional records as determined necessary by the  
38 director.

39 (e) Access to ~~the~~ *a* repository shall be limited to the foster youth  
40 and the person designated pursuant to subdivision (c).

- 1 (f) Any necessary efforts to provide for the security of ~~the~~ a  
2 repository, including online security protocols, shall be taken to  
3 protect the privacy of the foster youth as determined by the director.
- 4 (g) (1) The department, in coordination with the three  
5 participating counties, shall submit a report to the Assembly and  
6 Senate Human Services Committees no later than December 1,  
7 ~~2017~~, 2016, evaluating the pilot program and providing  
8 recommendations as to whether it should be extended, expanded,  
9 or made permanent.
- 10 (2) The requirement for submitting a report imposed under this  
11 subdivision is inoperative on January 1, 2018, pursuant to Section  
12 10231.5 of the Government Code.
- 13 (h) *This section shall be implemented only if the Director of*  
14 *Finance makes a written determination that there are sufficient*  
15 *funds available from sources other than the General Fund for this*  
16 *purpose.*
- 17 ~~(h)~~
- 18 (i) This section shall become inoperative on January 1, 2018,  
19 and, as of January 1, 2019, is repealed, unless a later enacted  
20 statute, that becomes operative on or before January 1, 2019,  
21 deletes or extends the dates on which it becomes inoperative and  
22 is repealed.